

**Resolution No.**

# **STOCKTON PLANNING COMMISSION**

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## **RESOLUTION APPROVING A USE PERMIT TO ESTABLISH A CHILD CARE CENTER IN AN EXISTING BUILDING AT 2428 BELLEVIEW STREET (P16-0278)**

The applicant, Liz Rogers of the Child Abuse Prevention Council, submitted a Use Permit application to establish a child care center in an existing building at 2428 Bellevue Street; and

The subject child care center would provide child care services, as well as pre-school and various family support services, to low-income residents of the Sierra Vista housing complex and the surrounding neighborhoods; and

The subject use complies with all applicable development standards for a child care center, including the provision of adequate off-street parking, play areas, and fencing, and meets required separation standards; now, therefore,

**BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF STOCKTON , AS FOLLOWS:**

1. The Planning Commission hereby approves the request for a Use Permit to establish a child care center in an existing building at 2428 Bellevue Street, based on the following Findings:
  - a. The subject use is allowed in the RM (Residential, Medium Density) zoning district with the approval of a Use Permit by the Planning Commission, per Stockton Municipal Code (SMC; the "Development Code") Section 16.20.020/Table 2-2, and complies with the Stockton Municipal Code, because the use complies with all applicable provisions of the Development Code that are relevant to the operation of a child care center.
  - b. The subject use, as conditioned, would maintain or strengthen the integrity and character of the neighborhood and zoning district in which it is to be located, because the project will result in the use of facilities within and adjacent to an existing community center. In addition, the subject use is not expected to be incompatible with existing and planned uses in the vicinity of the subject site, because the use is permitted in the RM zoning district and the property is surrounded by duplexes, triplexes, and fourplexes within the Sierra Vista housing complex. The overall project site is surrounded by single-family residences and a public elementary school.
  - c. The proposed use is consistent with applicable general land uses, objectives, policies, and programs of the General Plan and any applicable specific plan or master development plan related to the subject use, because it is a service use

on a site designated for residential land uses and is consistent with the following General Plan policies:

LU-1.7 – The City shall continue to apply the regulations and procedures of the Development Code and shall use the environmental process to prevent or mitigate land use conflicts. The subject use is located in an existing commercial building that is already being used as a community center. According to the Development Code, the subject use is deemed to be compatible with both the community center and the housing complex, as well as the surrounding single-family residential neighborhood, subject to securing a Planning Commission-approved Use Permit. The subject use is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) and no mitigation measures are needed for the project (see Finding for Approval No. 1.g.).

LU-3.7 – The City shall protect existing residential neighborhoods from the encroachment of incompatible activities and land uses (i.e., traffic, noise) and environmental hazards (i.e., flood, soil instability). The subject use is similar in nature to the existing community center and will primarily serve residents of the surrounding housing complex. Providing child care and family support services to low-income residents of the surrounding residential neighborhoods will provide services that are not otherwise available to those residents

- d. The subject site is expected to be physically suitable for the type and density/intensity of use being proposed, including the provision of services (e.g., sanitation and water), public access, and the absence of physical constraints (e.g., earth movement, flooding, etc.), because the subject child care center will be located within an existing community center building that is provided with adequate access and public services and is not hindered by any known physical constraints.
- e. The establishment, maintenance, or operation of the subject use at the location proposed and for the time period(s) identified is not expected to endanger, jeopardize, or otherwise constitute a hazard to the public convenience, health, interest, safety, peace, or general welfare of persons residing or working in the neighborhood of the proposed use, because the use will operate during similar hours of operation to the existing community center.
- f. The design, location, size, and operating characteristics of the subject use are expected to be compatible with existing and future land uses on-site and in the vicinity of the subject property, because the subject use will have similar operating characteristics to the existing community center.
- g. Approval of the subject use is in compliance with the provisions of CEQA and the City's CEQA Guidelines, because the project is categorically exempt, pursuant to

Section 15301, Class 1, of the CEQA Guidelines for the use of an existing commercial structure.

2. In accordance with Stockton Municipal Code (SMC) Section 16.168.070, the following Conditions of Approval are imposed to ensure compliance with the above Findings:

Standard

- a. The business operator shall comply with all applicable Federal, State, County, and City codes, regulations, laws, and other applicable standards and pay all applicable fees.
- b. Compliance with these Conditions of Approval is mandatory. Failure to comply with these Conditions of Approval is unlawful and may constitute a public nuisance subject to the remedies and penalties identified in the SMC, including but not limited to, monetary fines and revocation.
- c. This approval shall become effective ten (10) days after approval, unless the action is appealed.
- d. This Use Permit shall be posted in a conspicuous place and be made available immediately to City personnel upon inspection of the premises.

Specific

- e. Any future signage shall be subject to approval by the Community Development Director or Planning Commission, on appeal of the Director's determination.
- f. Rights-of-way within the housing complex shall not be used for the drop-off/pick-up of children.

PASSED, APPROVED, and ADOPTED August 25, 2016.

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KEVIN HERNANDEZ, CHAIR  
City of Stockton Planning Commission

ATTEST:

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DAVID KWONG, SECRETARY  
City of Stockton Planning Commission